IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
W.P.NO.2216 OF 2005

Arvind Kharagmal Lodha ..Petitioner

Vs.

Municipal Corporation
of Gr.Mumbai and Ors. ..Respondents

...
Mr.C.J.Sawant Senior Counsel with Mr.J.J.Thakkar
for Petitioner
Mrs.P.A.Purandhare Adv.for Respondent Nos.1 and 2
Mr.Santosh Singh for Respondent Nos.5 and 6
Mr.Gabriel Pillai Adv.for Respondent No.4
...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 1,2006

P.C.

1. After hearing the learned counsels for the parties, neither the Corporation nor the Respondents are in a position to produce the approved plans of the construction. On the contrary, the Society has given a letter dated 12.7.2006 in which they have set out that on the basis of letter dated 29.4.2005 written by two Managing Committee members of the society and petitioner's next door member, that the present door exists since long time and no change has taken place. This is signed by the Chairman and the

Secretary.

2. It is, therefore, clear that there are facts in issue which the Corporation has not addressed itself as to whether in fact, the structure is new or old or whether the structure forms part of the property in occupation and in possession of the petitioner. Considering the above, we direct the Respondents Nos.1 and 2 to withdraw their Notices dated 14.5.2005 and 26.5.2006. It will be open to the members of society to raise appropriate dispute before the appropriate forums to which they are entitled to, if in the opinion that the door put up by the petitioner is contrary to the sanctioned plans of the building and in contravention of the bye-laws or any statutory provisions.

3. Needless to say that it will be open to the Corporation if they are so advised, based on material available, to issue fresh notice and to give opportunity to the parties.

4. With the above observation, petition stands disposed of.

5. We have repeatedly informed the Registry of the Original Side of this Court to see to it that files are maintained in a proper manner. The main file should only contain the petition along with the replies, rejoinders etc. to the petition. All other material like Notice of Motions, Chamber Summons and other applications should be kept tagged in a separate file. Even in this case, the replies and rejoinders must be annexed to the respective Notice of Motion, Chamber Summons and Misc. Applications. What we find is that in the main file, all Chamber Summons, Notice of Motions and Misc. Proceedings are kept tied with the petition. This is unduly causing lot of delay and waste of time of the Court. Inspite of repeated reminders and directions, the Registry of the Original Side of this Court, has not taken any steps to correct itself.

. The Prothonotary and Sr.Master on the copy of this order being produced, is directed to submit a reply to this Court as to what steps are now being taken, to maintain the records and proceedings so as to facilitate the disposal of the matter. Report to be filed on 11th August, 2006 at 11.00 a.m.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]